UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Manuel GARCIA,** Defendant	Magistrate Docket No. '08 MJ 0466 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 17, 2008** within the Southern District of California, defendant, **Jose Manuel GARCIA,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **FEBRUARY 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Manuel GARCIA

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On February 17, 2008 Border Patrol Agent R. Butler was performing line watch duties, in the Zone 29 area of responsibility in Campo, California. Agent Butler was working in an area located 10 miles east of the Tecate, California Port of Entry and approximately 0.5 mile north of the U.S./Mexico International Boundary. Agent Butler was driving eastbound on Highway 94 when he observed five individuals at the corner of Highway 94 and Buckman Springs Road. Agent Butler observed all five individuals waiving their hands in an attempt to get his attention. Agent Butler stopped his U.S. Border Patrol government assigned vehicle and approached the five individuals. One of the five individuals was later identified as the defendant **Jose Manuel GARCIA**.

Agent Butler immediately identified himself as a United States Border Patrol Agent and questioned all five individuals as to their citizenship. All subjects including the defendant readily admitted to having entered the United States illegally without any immigration or travel documents that would allow them to be in, or remain in the United States legally. All subjects also admitted to being natives and citizens of Mexico. The defendant and all other subjects were transported to the Campo Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 29, 2000** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on February 18, 2008 at 10:10 A.M.

Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 17, 2008,** in violation of Title **8**, United States Code, Section **1326**.

William McCurine Jr.
United States Magistrate Judge

2/18/08, 11 19hrs
Date/Time